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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER NELSON, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC., and
DOES 1 through 50, inclusive,

Defendant(s).

Case No.: 3:21-cv-00066-MMD-CLB

**STIPULATION AND ORDER FOR AN
EXTENSION OF TIME TO FILE
MOTION FOR F.R.C.P. RULE 23 CLASS
CERTIFICATION AND RELATED
BRIEFING SCHEDULE**

(Fourth Request)

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Pursuant to Local Rules IA 6-1, IA 6-2 and LR 7-1, Plaintiff Christopher Nelson (“Plaintiff”) and Defendant Wal-Mart Associates, Inc. (“Defendant”) hereby request an extension of time for Plaintiff to file his Rule 23 Motion for Class Certification. This is the parties’ fourth request for an extension of this deadline.¹ The first request was made on November 19, 2021 (ECF No. 40) and granted on December 2, 2021 (ECF No. 41). The second request was made on January 21, 2022 (ECF No. 43) and granted on January 25, 2022 (ECF No. 44). The third request was made on March 14, 2022 (ECF No. 50) and granted on March 15, 2022. (ECF No. 51).

Good cause exists to extend the briefing on Plaintiff’s Rule 23 Motion for Class Certification. The parties have had an opportunity to meet and confer and are working together to finalize and file a proposed stipulated protective order for use in this case, which is expected to impact the filing of Plaintiff’s Rule 23 Motion for Class Certification. Additionally, multiple attorneys and support staff from Plaintiff’s attorney’s office are currently out or have been out sick within the last week, delaying the preparation of the motion and increasing plaintiff’s counsel’s workload and ongoing case obligations.

The current deadline for filing the Rule 23 Motion for Class Certification is July 28, 2022, with responses due November 9, 2022 and replies due January 8, 2023. (ECF No. 51.) Plaintiff is requesting up to and including August 18, 2022 to file its Motion, to which Defendant sees no objection. Accordingly, the new deadline for filing the Motion for Fed. R. Civ. P. Rule 23 Class Certification would be August 18, 2022, the response would be due November 30, 2022, and the reply would still be due January 30, 2023. The Parties believe that the requested extension will allow Plaintiff sufficient time to prepare the motion for this Court’s consideration. Because the Parties are only requesting minimal extensions of the response and reply deadlines, the requested extension will not impact the overall briefing schedule and will not delay this action.

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¹ The first three extensions came about when the Parties extended the briefing schedules and deadlines for Plaintiff’s Motion to Circulate Notice under Section 216(b) of the Fair Labor Standards Act (“FLSA”).

This Stipulation is made in good faith and is not intended for purposes of delay.

DATED this 25th day of July, 2022.

DATED this 25th day of July, 2022.

THIERMAN BUCK LLP

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STEWART, P.C.

/s/ Joshua R. Hendrickson

/s/ Dana B. Salmonson

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ORDER

IT IS SO ORDERED.

No further extensions of time will be granted
for this briefing schedule.


UNITED STATES JUDGE
UNITED STATES MAGISTRATE JUDGE

July 25, 2022

DATED